

SUPREME COURT.

Whether in fact the 10th section, by those who originally framed, or by those who altered the clause, was intended to confer a right of appeal, is a question which I leave to the decision, and we have no means of determining it. But no other construction will satisfy the words used, and the construction which I have adopted is the most just, and injurious, as it may be, to the interests of the mercantile body generally, the fault lies in the enactment—and the fault is not in the construction which I have adopted. We are at least able to add, that not only Sir John Dickinson, who took part in the judgment in *Ferry v. Wilson*, but also the learned judges who were present, consider this clause soon after its passing, concurred in the construction here adopted. I have a copy of a manuscript of the report of the time of the judgment, and it is an extract from it—"The passage beginning with the words 'but all payments' seems at first a contradiction to what immediately precedes. But I do not think that it is a contradiction, because the clause is intended to be introduced, to meet the case of a person not knowing himself to be insolvent, nor that proceedings for obtaining a writ of *habeas corpus* are to be taken, until it is ascertained that he has committed an act of insolvency, which has enabled a creditor to obtain an order for sequestration against him, and until it is ascertained that the person has not been paid under such circumstances by him. Construing the passage thus, there is no opposition between the first and the second part of the clause, and the meaning of the sentence is confined to those cases which do not fall within the terms of the first or disabling passage, and is not an exception to the first passage."—*See* *supra*, p. 10.

The application of the enactment, by an example, is as follows:

OWEN.
At the Goulburn Circuit Court, on Tuesday, the 24th inst.

For some time before her death Mrs. Cooke was quite incoherent, though Mr. and Mrs. Chapman, who had known her for many years, were able to understand her. She was usually eccentric at times, for some weeks before her death she was perfectly sane, and received the ministrations of the nurses, Mr. and Mrs. Chapman.

During the trial, consisting of three days in April, ante-nuptial and post-nuptial agreements were introduced, but the court could not find out whether a very nice and discriminating knowledge of law was necessary to determine whether or no the husband could by reason of the wife's insanity be considered to have acted voluntarily in giving to any other person, or to the hospital, any of the property, or to the jury the counsel on both sides contended that his insanity was not proved, and the jury returned a verdict for their decision, the understanding that a new trial would be argued before the full Court in Sydney, as the case should be decided there.

The verdict were now for the plaintiff, and the sum of £200 to be for the plaintiff, and the sum of £500 given to the Hospital. His Honor thereupon charged the jury to find for the plaintiff, less the above sum, and the jury returned, and shortly returned with a verdict for the defendant!

TUESDAY, SEPTEMBER 20TH.

THIS was an action for money payable by defendants to plaintiff. It was an action for money payable by defendants to plaintiff for work done and materials provided, and for money due on account stated. The plaintiff claimed £500, and the defendant £100. The plaintiff's case was that the defendant had agreed to supply the plaintiff with materials and labor, and for a further price that they brought that the sum of £120 in 6d. in court, for payment to the plaintiff.

MEETINGS OF CREDITORS
Monday, 30.—James Simpson, third. Albert

THE POOR BOX.—Applicants, but no funds.

THE ROSTER.—Monday, 30th September.—Messrs. Murphy, Spence, and S. Cohen; Tuesday, October 1.—Messrs. Donald, Hogg, and Day; Wednesday, 2.—Messrs. G. Hill, Oatley, and Caldwell; Thursday, 3.—Messrs. Cook and Smithers; Friday, 4.—Messrs. E. S. Hill, Rountree, and Manning; Saturday, 5.—Messrs. Feden and Burdakin.

BEFORE the Water Police Magistrate.
John Manuel, a seaman of the *Gayal*

ROSTER.—Monday, September 30th, Mr. J. Shoobert, Mr. J. B. Smithers; Tuesday, October 1st, Mr. T. Cooper, Mr. E. Raper, Wednesday, 2nd, Mr. B. Burckin, Mr. W. Day; Thursday, 3rd, Mr. J. J. Kettle, Mr. J. E. Manning; Friday, 4th, Mr. M. M. Cohen, Major Wingate; Saturday, 6th, Mr. T. C. Breillat.

ALGÆ OR SEA-WEEDS.
To the Editor of the Herald.

mass of brown sea-weeds earnestly engulphing the beautiful green.

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The classification of algebras is a matter depends principally upon the different

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granular, on another plant. Though the different genera and species bear no re-

Of the Melinaceae, which are common at Manly Beach and other places on the coast, the following genera are worthy to be noticed, even by a casual observer. *Sargassum*, *Laurencia*, *Pectis*, *Zostera*, and *Dictyota*. They are all of a brown or olive-brown colour, and after a storm large masses of the commoner kinds may be seen washed along the shore. The genus *Sargassum* prevails over a wide extent of the coast, but is not so common, and is not so well observed to be abundant in the Gulf of Mexico, it has very generally been called the "gulf-weed." The fronds of this genus are leaved, the leaves stalked, and generally with a few small, sessile, axillary, and stalked, *Laurencia* resembles *Sargassum*, but the axillary and sessile fronds are seen in distinct cells. Many species of *Sargassum* are found on these coasts, and some of the rarer ones are figured in Harvey's Phycologia. The common species

conveyed by the tide. This species is common in the
 Robertson's History of America: 113

would obstruct their further progress, and concealed dangerous rocks, or some large tract of land which had sunk; they knew not how, in that place. Columbus endeavoured to persuade them that what had alarmed ought rather to have encouraged them, and was to be considered as a sign of approaching land." I have instanced *S. boreiferum* as being frequently caught the eye of the observer on account of its frequent occurrence; but other species, particularly *S. virgine*, *S. ligulatum*, *S. filiforme*, &c., are often found on the coast of Australia. The genus *Cyathophora* is represented by three or four species.

Sargassum in the position of the receptacle

much thicker than the human body. *Hormosira Bankii* is the only species of every one must have noticed on the rocks near high water. It is a very common species. It is very often in its leafless unilaminar frond, that it cannot be mistaken for any other. It derives its name from the fact that it is a very common species. It is a species of inflated internode, similar to that of *Enteromorpha*. There are many varieties of this plant, arising probably from the depth of the water in which it grows, but Harvey writes them to one species. The fructification consists of a single, small, round, sessile, and very short, and is so called from *laminia*, a thin plate, in allusion to the flat frond, and is lamellary, that is, egg-shaped or tongue-shaped. It is a very common species, and is very common and is one of those weeds which contribute to the formation of kelp, and no sea-weed is said to be so rich in iodine as the species in question. *D. digitata* is a very common species, and is very common, and extends some distance up the Parramatta River. The species derives its name from the circumstance that it is used by the aboriginal natives for the conveyance of water. It is a very common species, and is more than any of the preceding, and its general resemblance to the expanded tail of a porpoise has been noticed by all

Zonaria is represented by several species, one of the most common. It is called

dedicated to Mrs. S. Pearson, of Ilwaco, a lady who has been a resident of the coast since 1850, and who, in addition to the species of *Fleocarrina*, has succeeded in finding some rare and elegant plants. The seeds of *Salpiglossis* were obtained from her, and one of them, when sown, sprang, in exceedingly interesting manner, and similar to *C. sinuata*. Nearly allied to this genus is that of *Dallia*, of which I have seen a specimen from the coast of Oregon, and which I have named in honor of Philip Hodge, by dredging. To the same kind I am indebted for *Gelidium glandulifera*, but this is not a new species, and I have not been able to find it elsewhere. *Rhizidium*, *Hyemacledia*, *Rhodogium*, and *Xiphoglossus* occur in different parts of the coast; but *Laurencia* is confined to the coast of Oregon, and is a new species. And yet I have not found any specimen of this genus, so elegant as *L. Conneria*, which was collected by my friend, Mr. Stebbins, in 1850, and which I have named in honor of Betts, when visiting the Bay of Islands in company with my venerable father, the Hon. Samuel Marsden. *Thysanocella lara* has been found by me on the coast of Oregon, and is a new species, as a rare species, and like all the others, a deep water

meely regarded by many naturalists as a
Harvey says: "The question of the ver-

polliniae may now be considered as fully not at rest by the researchers of Kutzing, Philippi, and DeCandolle. Now, indeed, little the line it contains is dis-covered, will find that he has a structure of a totally different nature from that of any zoophyte, while it is perfectly analogous to that of many marine plants, and especially to that of the *Alveolaria*. These are some interesting and beautiful sea-weeds, such as *Zyliglossopsis Dange* and *Alortensis*, which are most appropriate to the genus, and which I have named in honour of the person that first attracted the attention of the casual observer, is elegantly figured by Harvey, and is well worthy of examination under the microscope.

Not accustomed to such investigations, I was not so much struck with astonishment at the regularity and beauty of these insignificant plants, and they may be led to conclude that they are the same as the *Alveolaria* which I have brought out of all them that have pleasure therein. Of *Zyliglossopus* I have received a specimen from Victoria, and of *Alortensis* from the Cape of Good Hope. The first was named of *Jeannet*, but I do not know where they were procured. The last genus is named in honour of Dr. DeCandolle, an investigator of the history of *Alveolaria*, and of the *Alveolaria* which I have named in honour of the person that first attracted the attention of the casual observer, is elegantly figured by Harvey, and is well worthy of examination under the microscope.

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Bennett, the accomplished naturalist) of recent time, only one specimen has been found.

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made a despot in spite of himself,

in his mode of dealing with questions sometimes of a technical nature, and sometimes of a political character between the two assemblies is somewhat equivalent to the comparison at the head of this paper. A little more care, a little more perseverance, and a little more confidence in the ability of Mr. Cowper would take his own country through the struggle which it has to go through with the countries of the old world here for the last half-century had to contend.

Yours, &c.

X.

London, 27th September.

OUR FUTURE JUDGES.

To the Editor of the *Standard* and the *Times*.—
Your correspondent "Lex" in his zeal for his gift, has made assertion, in reference to attorneys, altogether without foundation. He is pleased to state that "the law is a profession, and that a lawyer is a very inferior animal to a barrister; although he is certainly a high degree of inferiority man; that he does not study law as a science, and intimates that while in practice law is a very inferior animal to a barrister; although he is certainly a high degree of inferiority man in independent circumstances, may possibly become an accomplished lawyer."

Now, altogether false (so far at least as colonial matters are concerned) as there is no difference in the education, academic or legal, of the members of the two branches of the profession.

ates, and I believe that upon the adm

would gladly swim the length of a west-end
 to be able to kiss the lips of the girl who
 All that the lovely Mary's lack is a husband,
 and then, all they really fall at once on the self-denying
 mage. That thrilling article once secured, what
 they do not do? We cannot pretend to say,
 on no more the charms of the girl who we think it
 be long; for the number of bachelors who now
 the beach—ostensibly for career pebbles, but
 to choose their predestined brides—is some-
 remnant of the world.
 understand it is in contemplation, on some
 public occasion—a ball for instance at the
 on—to present, what is usual, each unmarried
 with a bouquet of flowers on her arrival; and
 and, as usual, to be taken to the dance, and
 before his departure, with a life-like photograph
 chosen fair one, executed doubts during the
 of his utter fascination. Such were the best
 et to him to carry off. He may call again for
 original.

"Volets dim,
 Not swifter than the wit of Juno's eyes,
 Or Cytherea's breath, pry open the lids of
 my eyes."

was evidently overpowered; but maturing her on by the force of her indomitable will, she was fully herself, and sang in the duct with Mario, and in which she was engaged, with so brilliancy, and purity of intonation, that it but be again and again inquired, why she still retreats? The effect of the entire concert can be described in the words of our immortal

"Parting is such sweet sorrow
That I would I could stay here until 'twere morrow."

Madame Garcia is now of the celebrities that are a way from the busy scene of her profession. As she was great to the last, and never shall we see her up here like again. — *Bills & Weekly Messenger*, at 3rd.

The dissolution of the French Legislative Corps is agitated, and the Government is struggling to maintain the list of the Imperialists in order to cut all suspected of Orleanism. The Imperialists wish to effect an alliance with the moderate republicans, a project which does not make much

once Murat, says a Paris letter in the *Nord*, has distributed to all the functionaries of the great departments of the State a pamphlet on the revolution, and has placed in the library. Mention is made on the cover that the pamphlet is sent in his personal name.

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